

**FUNERAL DIRECTORS EXAMINING BOARD MEETING  
MINUTES  
AUGUST 5, 2003**

**PRESENT:** Bonnie Gift, J.C. Frazier, Roy Pfeffer, Rick Unbehaun, Connie Ryan

**STAFF PRESENT:** Patricia Hoeft, Division Administrator; Roxanne Peterson, Direct Licensing Coordinator; Jacquelyn Rothstein, Legal Counsel; Pat Schenck, Program Assistant and Division of Enforcement staff.

**GUESTS:** Mark J. Krause, Krause Funeral Homes  
Erin Longmire, Funeral Service Alliance of Wisconsin (FSA)

**CALL TO ORDER**

Roy Pfeffer, Chair, called the meeting to order at 9:30 a.m. A quorum of 5 members was present.

**AGENDA**

**MOTION:** Bonnie Gift moved, seconded by J. C. Frazier, to approve the agenda as written. Motion carried unanimously.

Roy Pfeffer, Chair, introduced the new Board member, Connie Ryan. Introductions were made around the table.

**APPROVAL OF MINUTES (05/13/03)**

**MOTION:** Bonnie Gift moved, seconded by Rick Unbehaun, to approve the minutes of May 13, 2003 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
PATRICIA HOEFT, BUREAU DIRECTOR**

Ms. Hoeft reported on the meeting with Board Chairs conducted on Tuesday, June 24, 2003 with Secretary Donsia Strong Hill. Issues discussed related to the fee study by Grant Thornton, Department budget, and possible means of cutting expenses. Two areas that incur large expenditures are travel, printing and postage. Ways to reduce expenses in these areas are being explored.

Ms.Hoeft announced the Department will be conducting another Board Member Workshop on October 14, 2003. Information on the Board Member Workshop has been mailed to Board members.

The Department is working on creating an electronic version of the Regulatory Digest Newsletters.

### **BOARD ROSTER**

Board members would like Judy Mender, Pat Schenck and other staff's name and phone number added to the Roster.

### **MEETING DATES FOR 2003**

Noted.

### **TO-DO LIST**

The To-Do-List was reviewed and all items had been completed.

### **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

Noted.

### **TRAVEL**

#### **INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMING BOARDS, APRIL 23-25, 2004, ST. LOUIS, MO**

Ms. Hoeft will check on available funds for one Board member to attend the International Conference of Funeral Service Examining Boards in St. Louis, Mo. on April 23-25, 2004.

#### **INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMING BOARDS 2003 CONFERENCE REPORT**

Information only.

### **LEGISLATIVE UPDATE REVIEW STATUS REQUESTED LEGISLATION 2003**

Ms. Hoeft will provide the Board with the status on pending legislation at the September 16, 2003 Board meeting.

**REVIEW PROPOSED CREMATION LEGISLATION- LRB 1054  
JACQUELYNN ROTHSTEIN**

The Board reviewed and discussed the draft language to LRB2804/P4 and request for changes from the Legislative Reference Bureau. Ms. Rothstein incorporated changes on the liability draft language to s 440.82(2).

**MOTION:** Rick Unbehaun moved, seconded by J. C. Frazier, that Jacquelynn Rothstein, Legal Counsel, take the proper steps to incorporate changes on liability draft language to 440.82(2) and forward to the Legislative Reference Bureau for drafting changes. Motion carried unanimously.

The Board discussed at length the Uniform Anatomical Gift Act (UAGA) as it relates to a family member's ability to negate the wishes of a donor and what implications exist with respect to the proposed liability exemption.

Under UAGA all persons are permitted to donate anatomical parts at the time of death and also permits individuals to refuse to make such donations. Unless the decendant has made an "unrevoked refusal" at the time of death, individuals in the family may make an anatomical gift of the decendant's body.

The current cremation proposal does not permit an individual to authorize his or her own cremation nor does it provide an affirmative means to prevent one's own cremation, whereas the UAGA specifically allows any individual to authorize or prevent the donation of an anatomical gift.

The manner in which a cremation may be authorized differs so significantly from the way in which an anatomical donation can be made, there is virtually no comparison that can be drawn between a family member's ability to negate the wishes of a decendant.

**MOTION:** Rick Unbehaun moved, seconded by J. C. Frazier, that individuals do not have the means by which to authorize their own cremation and the Board requests that the language in 440.72 not be amended. Motion carried unanimously.

**LEGAL COUNSEL – JACQUELYN ROTHSTEIN  
OPINION RE: CEMETERY INVOLVEMENT IN CONDUCTING FUNERAL  
SERVICES**

Funeral Directors Examining Board  
August 5, 2003 Minutes

Questions were brought before the Board regarding what a cemetery can do legally in conducting funeral services. Can the family delegate a cemeterian to do the service? Does a licensed Wisconsin funeral director need to meet a funeral director from another state when the out-of-state licensee is transporting a body directly to a cemetery?

If a memorial service is being conducted on behalf of a licensed funeral establishment, then the attendance of a licensed director would be required. If the service is not being conducted on behalf of the funeral home, then a licensed funeral director would not be required.

The law permits families to make removals from places of death and also to conduct their own funeral services. The family is also permitted to sign the death certificate.

If a funeral director is transporting a body to Wisconsin for burial purposes only, they must work through a funeral director licensed under ch. 445 in Wisconsin.

### **MEMORIAL CENTERS AND PROPOSED DRAFT LEGISLATION FROM WFDA AND FDA**

Erin Longmire, with Funeral Service Alliance of Wisconsin (FSA) reported on proposed draft legislation from Wisconsin Funeral Directors Association (WFDA) and Funeral Directors Alliance (FDA). The proposed draft legislation stage covers issues that would allow one funeral director to be in-charge of 3 funeral homes, new provision on preparation rooms, and other places where a funeral director could conduct business? Ms. Longmire will send the Board a copy of the final draft for review.

### **EMBALMING IN PLACES OTHER THAN A LICENSED FUNERAL HOME-LETTER TO DHFS**

Ms. Rothstein requested that the Department of Health and Family Services amend HFS 136.03(2) to include medical and mortuary schools. The Department of Health and Family Services had no objections to amending HFS 136.03(2) and will include it in their proposed rule changes.

### **CREDENTIALING STATUS UPDATE RE: FUNERAL DIRECTOR-IN-CHARGE**

Judy Mender reported that five hundred and ninety-eight renewal notices were sent to funeral establishments in April, 2003. Fifty-three renewals are still pending, possibly due to the funeral director in-charge. Ms. Mender had requested additional information from these funeral establishments but has not received a response. The Board directed Ms. Mender to forward these funeral establishments to the Division of Enforcement.

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to request Judy Mender to forward fifty-three funeral establishments that have not responded to

requests for additional information for renewal, to the Division of Enforcement. Motion carried unanimously.

### **DOUGLAS GUTHRIE REQUEST FOR APPROVAL OF ONLINE COURSES**

Douglas Guthrie requested approval from the Board to take ABFSE accredited online courses with Pittsburgh Institute of Mortuary Science (PIMS) while apprenticing with a funeral home.

**MOTION:** Bonnie Gift moved, seconded by Connie Ryan, that Douglas Guthrie cannot enroll in on-line courses in mortuary science work and serve his apprenticeship simultaneously and receive credit according to 445.045(1)(f). Motion carried unanimously.

### **APPEARANCE**

#### **TODD NEWCOMER - REQUEST FOR REINSTATEMENT**

Mr. Newcomer appeared in person before the Board to request reinstatement of his license. The Board heard Mr. Newcomer's request for reinstatement and will deliberate in closed session..

### **CONTINUING EDUCATION ISSUES STATUS REPORT – RICK UNBEHAUM, BOARD MEMBER**

Rick Unbehaun reported on continuing education issues with the exam center.

The statutes and administrative rules do not grant authority to the Board to analyze the course content as to the level of difficulty, nor does it address the number of times a licensee could take the course. The funeral directors current rule does not specify the level of difficulty of continuing education courses and allows candidates to repeat the same continuing education course over and over again.

The Board delegated course approval authority to a staff person in the Department of Regulation and Licensing Examination Center. To grant authority to the board there would be a need for a rule revision.

The Board would like to review which courses are available for continuing education credits.

### **EXAMINATION ISSUES**

None.

### **BOARD MEMBER ACTIVITY**

Board members gave brief reports on activities undertaken since the last meeting.

### **PRACTICE QUESTIONS**

None.

### **NEW BUSINESS**

Ms. Rothstein reported that resource papers are completed for the Secretary's office. These resource papers show analysis of pending or proposed legislation. Ms. Rothstein passed out copies of the resource paper regarding the cremation draft for legislation which was discussed earlier.

### **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

#### **WESTON H. ANDERSON (MINNEAPOLIS)**

Jack Temby, DOE Attorney, presented the proposed stipulation in the matter concerning Weston H. Anderson (Minneapolis).

### **OTHERS THAT MAY BE SUBMITTED AFTER PRINTING OF AGENDA**

None.

### **CLOSED SESSION**

**MOTION:** Bonnie Gift moved, seconded by Rick D. Unbehaun, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: Rick Unbehaun-yes; J.C. Frazier-yes; Bonnie Gift-yes; Roy Pfeffer-yes; Connie Ryan-yes. Motion carried unanimously.

Open Session recessed at 12:10 a.m. and the Closed Session began at 12:25 p.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

### **RECONVENE TO OPEN SESSION**

**MOTION:** J. C. Frazier moved, seconded by Bonnie Gift, to reconvene into Open Session at 2:06 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

## **MONITORING REPORT**

None.

### **CASE CLOSINGS**

None.

### **APPLICATIONS**

#### **TODD NEWCOMER – REQUEST FOR REINSTATEMENT**

The Boards recommendation is to refer Mr. Newcomer to the Division of Enforcement to enter into a stipulation with Mr. Newcomer as a condition for reinstatement.

**MOTION:** Connie Ryan moved, seconded by J. C. Frazier, to forward to the Division of Enforcement with recommendations from the Board to enter into a stipulation with Mr. Newcomer regarding his reinstatement. Motion carried unanimously.

#### **MARTIN THOMAS**

**MOTION:** Rick Unbehaun moved, seconded by J. C. Frazier, to grant an Apprentice Funeral Director Permit to Martin Thomas for the New Golden Gate Funeral Home, 5665 N. Teutonia Ave. Milwaukee WI. Motion carried unanimously.

### **STIPULATIONS**

#### **WESTON H. ANDERSON (MINNEAPOLIS)**

**MOTION:** Rick Unbehaun moved, seconded by Bonnie Gift, to accept the Stipulation, Final Decision and Order in the matter concerning Weston H. Anderson (Minneapolis). Board advisor, Roy Pfeiffer, abstained. Motion carried.

### **ADMINISTRATIVE WARNINGS**

**02 FDR 027**

**MOTION:** J. C. Frazier moved, seconded by Connie Ryan, to accept the Administrative Warning for case **02 FDR 027**. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** J. C. Frazier moved, seconded by Bonnie Gift, to adjourn the meeting at 2:11 p.m. Motion carried unanimously.

**NEXT MEETING: TUESDAY, SEPT. 16, 2003**